

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

07/20/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 04-00303HG and CR. 04-00400HG

CASE NAME: U.S.A. v. ROBERT GARY EISLER  
U.S.A. v. (05) ROBERT EISLER

ATTYS FOR PLA: Tracy A. Hino - CR. 04-00303HG  
Mark A. Inciong, - CR. 04-00400HG  
Charles Pang, Case Agent, ATF

ATTYS FOR DEFT: Earle A. Partington - CR. 04-00303HG  
Rustam Barbee - CR. 04-00400HG

U.S.P.O: Mona L. Godinet

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JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: July 20, 2006

TIME: 3:00 - 3:35

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COURT ACTION: SENTENCING AS TO COUNT 1 OF THE SECOND  
SUPERSEDING INDICTMENT AS TO  
ROBERT GARY EISLER  
SENTENCING AS TO COUNT 1 OF THE INDICTMENT AS TO  
DEFENDANT (05) ROBERT EISLER  
GOVERNMENT'S MOTION FOR DOWNWARD  
DEPARTURE IN SENTENCING

The defendant is present in custody.

The Memorandum of Plea Agreement is accepted.

The Government's Motion for Downward Departure in Sentencing is GRANTED.

The Court issued a denial of this Defendant's Motion to Dismiss in CR 04-00400HG, and said that a written order will issue. Since the defendant has pled guilty, without any conditions, the court is not going to file the written order.

Allocution by the defendant.

ADJUDGED: Impr of 51 mos. as to each of Criminal Nos. CR 04-00303HG-01 and CR 04-00400HG-05, to be served concurrently.

SUPERVISED RELEASE: 8 yrs. as to each of Criminal Nos. CR 04-00303HG-01 and CR 04-00400HG-05, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
7. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
8. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$200.00.

Advised of rights to appeal the sentence, etc.

RECOMMENDATIONS: Sheridan, OR, or in the alternative, Terminal Island, CA. That the defendant participate in the 500-Hour Comprehensive Drug Treatment Program and educational/vocational training programs. In addition, the defendant be examined and treated for Hepatitis C and Emphysema.

Government's Oral Motion to Dismiss Count 2 as to this defendant in CR 04-00400HG is GRANTED.

Government's Oral Motion to Dismiss Counts 2 and 3 as to this defendant in CR 04-00303HG is GRANTED.

Submitted by: Mary Rose Feria, Courtroom Manager

Submitted by: David H. Hisashima, Courtroom Manager